

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.A. LOCAL 342 JOINT LABOR-  
MANAGEMENT COMMITTEE, et al.,

No. C 04-2531 SBA

Plaintiffs.

**ORDER**

v.

[Docket No. 9]

AIRTEKS MECHANICAL SERVICES, INC.,

Defendant.

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On June 24, 2004, Plaintiffs filed a complaint against Defendant Airteks Mechanical Services, Inc. ("Defendant") [Docket No. 1].

On October 12, 2004, the clerk entered default against Defendant [Docket No. 7].

On November 12, 2004, Plaintiffs filed a Motion for Default Judgment against Defendant [Docket No. 9].

On November 17, 2004, this Court referred Plaintiffs' Motion for Default Judgment to Magistrate Judge Zimmerman for a report and recommendation [Docket No. 17].

On December 15, 2004, Judge Zimmerman held a hearing on Plaintiffs' Motion for Default Judgment. At the hearing, Plaintiffs were unable to explain the notable difference between the amount of damages sought in the complaint and the amount sought in their Motion for Default Judgment. Judge Zimmerman granted Plaintiffs one week to elect whether they wished to amend the complaint or to file supplemental documentation. On December 22, 2004, Plaintiffs filed an amended complaint.

On January 3, 2005, Judge Zimmerman issued his Report and Recommendation [Docket No. 25]. In the Report, Judge Zimmerman recommended denying Plaintiffs' Motion for Default Judgment as moot, in light of Plaintiffs' decision to file an amended complaint.

1 For good cause shown,

2 IT IS HEREBY ORDERED THAT Magistrate Judge Zimmerman's Report and Recommendation  
3 [Docket No. 25] is ADOPTED by this Court.

4 IT IS FURTHER ORDERED THAT Plaintiffs' Motion for Default Judgment [Docket No. 9] is  
5 DENIED AS MOOT.

6 IT IS SO ORDERED.

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8 Dated: 8/29/05

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge